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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000374

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SUBJECT: SHARIA COURTS UNDERMINE EFFORTS TO REBUILD IRA
REF: BAGHDAD 262 AND 292

Classified By: POLITICAL COUNSELOR ROBERT S. FORD FOR
REASONS 1.4 (B) AND (D).

¶1. (C) SUMMARY: In separate conversations on January 22, 23, and 24, Shia imam Sheikh Ayad al-Ekabi and Sadr City District Advisory Council (DAC) members Ali Suadi and Mustafa Jasim told PolOff and Pol/FSN about extra-judicial sharia courts operating in Sadr City and other parts of Baghdad, and how they undermine efforts to rebuild Iraq. As the followers of Muqtada al-Sadr grow stronger, these illegal courts proliferate. A network of informants and mobile squads kidnap Iraqi men and women whom they believe violate Islamic sharia law, cooperate with Coalition Forces (CF), or oppose the Sadrists. Sometimes these courts are used to commit extortion and intimidation. The failure of MNF-I and Iraqi Security Forces (ISF) to shut these courts down has led some Iraqis to question CF commitment to maintaining the rule of law. Indeed, some even accuse CF of complicity. Our contacts agree that to solve the problem, the ISF must be purged of members of militias such as the Sadrism-backed Jaysh Al-Mahdi (JAM). Only then can the Iraqi Police (IP) be trusted to arrest those who run these illegal sharia courts and uphold the rule of law. END SUMMARY.

System of Vigilante Justice

¶2. (C) Our contacts told us that informants and mobile kidnap squads are criminals and thugs who work together to target individuals who they feel have committed crimes against Islam or Muqtada al-Sadr. The mobile squads usually consist of several armed men who ride in a car and kidnap suspects off the streets. They then deliver their captives to the illegal Sharia courts for prosecution. Most of these squads, according to our contacts, work for the Sadr Bureau, but some, such as the Punishment Group, operate independently.

¶3. (C) According to our contacts, most of these courts are located in houses, schools, and even some mosques, such as the Al Hikma mosque in Sadr City. The judges are usually members of the Sadr Bureau, although some non-Sadrism sharia courts do exist. Other neighborhoods in Baghdad, such as Al-Shaab, Al-Habibiya, Hey Ur, and Jamila have such courts as well. Most of these courts vary their location frequently, but some have an established venue known to many.

The Crimes for Which Iraqis Are Prosecuted

¶4. (C) These illegal sharia courts, our contacts assert, often prosecute people for acts which are not crimes

according to Iraqi law. Drinking alcohol in the privacy of one's home, selling compact discs, insulting members of the Sadr Bureau, cooperating with MNF-I, and having a western-style haircut were examples of "crimes" subject to sharia court prosecution cited by our contacts. Punishments can be draconian. Defendants are often beaten or killed. Those killed in Sadr City have their bodies dumped on the outskirts of town. Sheikh Ayad al-Ekabi told PolOff that one young man he knows was tried and, once found guilty, had both of his legs broken because he flirted with women.

15. (C) Sometimes people who are the victims of crime feel the Iraqi Police cannot help them, and so turn to these sharia courts for justice. Sheikh Ayad told PolOff about a man whose house was robbed. He petitioned an illegal sharia court, which then rounded up the three main suspects and tortured them until one of the suspects confessed to the crime.

16. (C) Women who are thought to have stained their honor are often prosecuted in these sharia courts. If it is rumored that a woman has had sex outside of marriage, for example, she may be tried by a sharia court. Women are also tried in sharia courts for wearing pants, not wearing the hijab, and consorting with males not related to them. Our contacts report that these women often are beaten and sometimes killed after being convicted by the courts.

17. (C) This extra-judicial system also is used to commit acts of extortion and intimidation. According to our contacts, Sadr Bureau members sometimes threaten to have people arrested and taken to a sharia court unless they

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pay an extortion fee. Mustafa Jasim told PolOff that his youngest brother was tried by one of these sharia courts and was tortured with electrical shocks in an effort to convince Mustafa to quit serving on the Sadr City DAC.

Questioning Our Commitment

18. (C) Our contacts told us they have reported these sharia courts to MNF-I, but nothing has been done. According to them, the inability or unwillingness to shut down these courts has cost CF and GOI credibility. They tell us that MNF-I appears weak or, even worse, complicit in these human rights abuses. Prime Minister Ja'fari, argued our contacts, is seen as part of the problem as well, as his government has done little to stop these abuses and is seen as supporting the Sadrists. Even children, said our contacts, notice that MNF-I appears unable to uphold the rule of law.

Iraqis Propose Solutions

19. (C) The first step toward eliminating the problem, according to our contacts, is to establish a credible police force. Jaysh al Mahdi (JAM) members must be removed from the ISF, they urged. Only then can the people who operate these courts be arrested and prosecuted for their crimes. The presence of a robust, uncorrupted police force in places that have a problem with these courts, such as Sadr City, must then be established on a permanent basis to prevent illegal sharia courts from reappearing in the future.

Comment

¶10. (C) The descriptions of the sharia courts above very much resemble the one operated by Sadrists in Najaf that was dismantled only after CF entered the old city and physically shut it down. (The bodies of several dozen victims were discovered near the premises.) The illegal sharia courts we now hear about in Baghdad are a serious black mark against CF and GOI in the eyes of our contacts. There is, however, a larger problem: these sharia courts represent elements of a state (or states) within the Iraqi state. It will be essential to address this bigger problem if Iraq is to establish strong government institutions trusted by all its citizens.

KHALILZAD